

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

Executive Registry
82-4298/12

April 29, 1982

ACTION

NSC Review Completed.

MEMORANDUM FOR THE SECRETARY OF STATE
THE SECRETARY OF THE TREASURY
THE SECRETARY OF DEFENSE
THE ATTORNEY GENERAL
THE SECRETARY OF THE INTERIOR
THE SECRETARY OF AGRICULTURE
THE SECRETARY OF COMMERCE
THE SECRETARY OF TRANSPORTATION
THE SECRETARY OF ENERGY
THE DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET
✓ THE DIRECTOR OF CENTRAL INTELLIGENCE
THE UNITED STATES REPRESENTATIVE TO THE UNITED NATIONS
THE UNITED STATES TRADE REPRESENTATIVE
THE CHAIRMAN, JOINT CHIEFS OF STAFF
THE CHAIRMAN, NUCLEAR REGULATORY COMMISSION
THE DIRECTOR, ARMS CONTROL AND DISARMAMENT AGENCY
THE DIRECTOR, OFFICE OF SCIENCE AND TECHNOLOGY
THE ADMINISTRATOR, GENERAL SERVICES ADMINISTRATION
THE ADMINISTRATOR, NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION
THE DIRECTOR, FEDERAL BUREAU OF INVESTIGATION
THE DIRECTOR, FEDERAL EMERGENCY MANAGEMENT AGENCY
THE DIRECTOR, INFORMATION SECURITY OVERSIGHT OFFICE

SUBJECT: Protection of Classified Information

In response to NSDD-19, an interdepartmental group chaired by the Department of Justice has forwarded for consideration a draft National Security Decision Directive (Tab A). The actions it proposes are designed to help deter unauthorized disclosures of classified information.

Please provide formal agency comments on the draft NSDD no later than Friday, May 14.

Michael O. Wheeler

Michael O. Wheeler
Staff Secretary

Attachment

Proposed NSDD

Tab G

DRAFT NATIONAL SECURITY DECISION DIRECTIVE

1. Each agency of the Executive Branch that originates or stores classified information shall adopt internal procedures to safeguard against unauthorized disclosures of classified information. Such procedures shall at a minimum provide as follows:

a. All persons with authorized access to classified information shall be required to sign a nondisclosure agreement as a condition of access. All such agreements must be in a form determined by the Department of Justice to be enforceable in a civil action brought by the United States. This requirement may be implemented prospectively by agencies for which the administrative burden of compliance would otherwise be excessive.

b. All persons with authorized access to Sensitive Compartmented Information (SCI) shall be required to sign a nondisclosure agreement as a condition of access to SCI and collateral classified information. All such agreements must include a provision for prepublication review to assure deletion of SCI and collateral classified information and, in addition, must be in a form determined by the Department of Justice to be enforceable in a civil action brought by the United States.

c. Appropriate policies shall be adopted to govern contacts between media representatives and agency officials, so as to reduce the opportunity for negligent or deliberate disclosures of classified information.

All persons with authorized access to classified information shall be clearly apprised of the agency's policies in this regard.

2. Each agency of the Executive Branch that originates or stores classified information shall adopt internal procedures to govern the reporting and investigation of unauthorized disclosures of such information. Such procedures shall at a minimum provide that:

a. All such disclosures that the agency considers to be seriously damaging to its mission and responsibilities shall be evaluated to ascertain the nature of the information disclosed and the extent to which it had been disseminated.

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b. The agency shall conduct a preliminary internal investigation prior to or concurrently with seeking investigative assistance from other agencies.

c. The agency shall maintain records of disclosures so evaluated and investigated.

d. Agencies in the possession of classified information originating with another agency shall cooperate with the originating agency by conducting internal investigations of the unauthorized disclosure of such information.

e. Employees determined by the agency to have refused cooperation with investigations of such unauthorized disclosures or to have made such disclosures will be denied further access to classified information and subjected to other administrative sanctions as appropriate.

3. The Department of Justice shall continue to review reported unauthorized disclosures of classified information to determine whether FBI investigation is warranted. Interested departments and agencies shall be consulted in developing criteria for evaluating such matters and in determining which cases should receive investigative priority. The FBI is authorized to investigate such matters as constitute potential violations of federal criminal law, even though administrative sanctions may be sought instead of criminal prosecution.

4. Nothing in this directive is intended to modify or preclude interagency agreements between FBI and other criminal investigative agencies regarding their responsibility for conducting investigations within their own agencies or departments.

5. The Office of Personnel Management and all departments and agencies with employees having access to classified information are directed to revise existing regulations and policies, as necessary, so that employees may be required to submit to polygraph examinations, when appropriate, in the course of investigations of unauthorized disclosures of classified information. As a minimum, such regulations shall permit an agency to decide that appropriate adverse consequences will follow an employee's refusal to cooperate with a polygraph examination that is limited in scope to the circumstances of the unauthorized disclosure under investigation. Agency regulations may provide that only the head of the agency, or his delegate, is empowered to order an employee to submit to a polygraph examination. Results of polygraph examinations should not be relied upon to the exclusion of other information obtained during investigations.

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6. The Attorney General, in consultation with the Director, Office of Personnel Management, is requested to establish an interdepartmental group to study the federal personnel security program and recommend appropriate revisions in existing Executive orders, regulations and guidelines.

7. The Assistant to the President for National Security Affairs will monitor the development of agency regulations that implement this Directive and will supervise its implementation within the White House Office.

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THE WHITE HOUSE

WASHINGTON

NATIONAL SECURITY DECISION
DIRECTIVE NUMBER 19Protection of Classified National Security Council
and Intelligence Information

Unauthorized disclosure of classified information under the jurisdiction of the National Security Council and of classified intelligence reports is a problem of major proportions within the U.S. Government. The Constitution of the United States provides for the protection of individual rights and liberties, including freedom of speech and freedom of the press, but it also requires that government functions be discharged efficiently and effectively, especially where the national security is involved. As President of the United States, I am responsible for honoring both Constitutional requirements, and I intend to do so in a balanced and careful manner. I do not believe, however, that the Constitution entitles government employees, entrusted with confidential information critical to the functioning and effectiveness of the Government, to disclose such information with impunity. It is precisely the situation we have. It must not be allowed to continue.

To this end, I hereby establish and direct implementation of the following policies.

Contacts with the Media

All contacts with any element of the news media in which classified National Security Council matters or classified intelligence information are discussed will require the advance approval of a senior official. An administrative memorandum will be prepared as soon as possible after the contact, recording the subjects discussed and all information provided to the media representatives.

Access

The unauthorized disclosure of classified National Security Council information, documents, and deliberations requires further control to limit access and to ensure an accurate record of those who have had access. The number of officials with access to documents relating to NSC matters will be kept to the minimum essential to the orderly conduct of the government's business.

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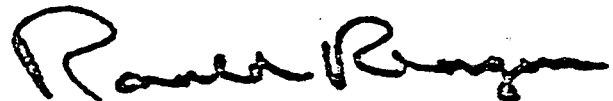
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Investigations

The government's lack of success in identifying the sources of unauthorized disclosure of classified National Security Council information and documents of classified intelligence information must be remedied and appropriate disciplinary measures taken. Henceforth, in the event of unauthorized disclosure of such information, government employees who have had access to that information will be subject to investigation, to include the use of all legal methods.

Applicability and Implementation

The provisions of this directive shall be effective immediately and shall apply to all employees of, and elements within, agencies participating in the National Security Council system, including the Executive Office of the President. The Assistant to the President for National Security Affairs is directed to establish the detailed procedures to implement policies.



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